

**REGULAR MEETING OF THE NEW CASTLE COUNTY COUNCIL
VIRTUAL ZOOM WEBINAR MEETING**

MINUTES

Tuesday, January 12, 2021

- A. The meeting was called to order by President Hartley-Nagle at 6:30 p.m.
A moment of silence was recognized; members of Council performed the Pledge of Allegiance.

Roll Call

Present

William J. Bell
David Carter
John J. Cartier
Elisa Diller
Dee Durham
Karen Hartley-Nagle
Penrose Hollins
Janet T. Kilpatrick
Timothy P. Sheldon
George Smiley
Jea P. Street
David L. Tackett
Kenneth R. Woods

B. Approval of Minutes:

- Councilman Smiley moved to approve the December 8, 2020 council meeting minutes, it was seconded by Councilman Bell, and all were in favor.

C. Announcements:

- Councilman Carter announced that he will introduce three floor amendments to Substitute No. 1 to Ordinance 20-134.
- Councilman Bell announced that he and Councilman Street will leave Ordinance 20-122 on the table.
- Councilwoman Durham announced that she will introduce a floor amendment to Substitute No. 1 to Ordinance 20-134.

D. Introduction of Ordinances:

21-001: AMEND THE FY2021 APPROVED OPERATING BUDGET: APPROPRIATE \$90,290 IN FUNDING RECEIVED FROM THE NEW CASTLE COUNTY TECHNOLOGY FEE ACCOUNT WITHIN THE OFFICE OF THE RECORDER OF DEEDS TO THE DEPARTMENT OF LAND USE, GEOGRAPHIC INFORMATION SYSTEMS EQUIPMENT BUDGET LINE ITEM.

Introduced by: Mr. Tackett, Ms. Kilpatrick

21-002: TO PROVIDE FOR THE INSTALLATION OF GRANVILLE WITH RIBS LIGHTS IN THE BAKER FARM SUBDIVISION LOCATED IN ST GEORGES HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS. Introduced by: Mr. Bell

21-003: TO PROVIDE FOR THE INSTALLATION OF GRANVILLE WITH RIBS LIGHTS IN THE BOYD'S CORNER FARM SUBDIVISION LOCATED IN ST GEORGES HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS. Introduced by: Mr. Bell

21-004: AMEND THE GRANTS BUDGET: APPROPRIATE \$38,848.79 IN EMERGENCY ILLEGAL DRUG ENFORCEMENT (EIDE) FUNDS FROM THE STATE OF DELAWARE, DEPARTMENT OF SAFETY AND HOMELAND SECURITY TO THE EIDE-FY2021 DRUG CONTROL OVERTIME GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street

21-005: AMEND THE FY2021 APPROVED SEWER FUND OPERATING BUDGET: APPROPRIATE \$700,000 OF SEWER RATE STABILIZATION RESERVE TO THE DEPARTMENT OF PUBLIC WORKS SEWER FUND CONTRACTUAL SERVICES BUDGET

LINE ITEM TO FUND LEGAL FEES. Introduced by: Mr. Sheldon, Mr. Woods

E. Reports from Select and Special Committees:

- Councilman Woods reported that the Public Works Committee met on 1/5/21 and received an update on recent storm cleanup.
- Councilman Bell reported that the Public Safety Committee met on 1/12/21 and discussed an item scheduled to be on the January 26, 2021 Council agenda and received updates on Police Operations and E.M.S. vaccine operations.
- Councilman Cartier reported that the Finance Committee met on 1/12/21 and discussed items on tonight's agenda, interviewed a board and commission candidate, received a presentation from the Department of Finance on legislation fiscal notes, and reviewed grant requests.
- Councilman Tackett reported that the Land Use Committee met on 1/5/21 and discussed items on tonight's agenda and received a presentation from the Department of Land Use on Chapter 13 and the status of the enabling framework for corridor master plans.
- Councilwoman Kilpatrick reported that the Personnel Subcommittee met on 1/5/21 and discussed a promotion in the Auditor's Office.

F. Consent Calendar:

R21-001: HONORING THE LIFE OF LARRY W. DILLMORE, SR. AND EXPRESSING CONDOLENCES TO HIS FAMILY AND FRIENDS. Introduced by: Mr. Bell, Ms. Hartley-Nagle, All of Council

R21-002: HONORING RICHARD C. CECIL ON HIS RETIREMENT FROM THE DELAWARE ASSOCIATION OF COUNTIES. Introduced by: Ms. Kilpatrick

Consent Calendar

Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods

G. Presentations: None

H. Consideration of Resolutions Removed from the Consent Calendar and Other Resolutions:

R21-003: AMENDMENT TO EXISTING MAINTENANCE DECLARATION FOR ROCKWOOD PARCEL 1-B IN CONNECTION WITH THE RECORD MINOR LAND DEVELOPMENT PLAN OF ROCKWOOD PARCEL 1-B, APPLICATION NO. 2019-0348-S; NCAP ZONING; COUNCIL DISTRICT 12. Introduced by: Mr. Bell

--It was moved and seconded that R21-003 be read by title only and placed before Council for its consideration.

Resolution 21-003—Adopted

Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods

R21-004: APPROVING A CREDIT UNDER NEW CASTLE COUNTY CODE SEC. 14.03.003 OF COUNTY TAXES BILLED AND PAID IN ERROR BY 250 EXECUTIVE, LLC. Introduced by: Mr. Tackett, Mr. Smiley, Mr. Hollins

--It was moved and seconded that R21-004 be read by title only and placed before Council for its consideration.

Resolution 21-004—Adopted

Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods

I. Consideration of Ordinances:

20-133: AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE EMERGENCY SERVICES EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 3911. Introduced by: Ms. Hartley-Nagle

--It was moved and seconded that °20-133 be read by title only and placed before Council for its consideration.

Ordinance 20-133—Adopted

Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods

SUBSTITUTE NO. 1 TO °20-134: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 (“ADMINISTRATION”), ARTICLE 5 (“DEPARTMENTS AND OFFICES”) TO CREATE THE AGRICULTURAL LAND PRESERVATION ADVISORY COMMITTEE, AND THE OPEN SPACE ADVISORY COMMITTEE. Introduced by: Ms. Kilpatrick, Mr. Sheldon

--It was moved and seconded that °20-134 be read by title only and placed before Council for its consideration.

Councilman Carter moved to have Floor Amendment No. 1 to Substitute No. 1 to °20-134 be considered. The motion was seconded by Councilwoman Durham and approved.

FLOOR AMENDMENT NO. 1 TO SUBSTITUTE NO. 1 TO °20-134: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 (“ADMINISTRATION”), ARTICLE 5 (“DEPARTMENTS AND OFFICES”) TO CREATE THE AGRICULTURAL LAND PRESERVATION ADVISORY COMMITTEE, AND THE OPEN SPACE ADVISORY COMMITTEE. Introduced by: Ms. Kilpatrick, Mr. Sheldon

--It was moved and seconded that Floor Amendment No. 1 to Substitute No. 1 to °20-134 be read by title only and placed before Council for its consideration.

--Mike Migliore, Counsel to Council, spoke.

Floor Amendment No. 1 to Substitute No. 1 to Ordinance 20-134—Defeated

Yes: Carter, Durham, Hartley-Nagle, Hollins, Street

No: Bell, Cartier, Diller, Kilpatrick, Sheldon, Smiley, Tackett, Woods

Councilman Carter moved to have Floor Amendment No. 2 to Substitute No. 1 to °20-134 be read by title only and placed before council for their consideration. The motion was seconded by Councilman Hollins and approved.

FLOOR AMENDMENT NO. 2 TO SUBSTITUTE NO. 1 TO °20-134: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 (“ADMINISTRATION”), ARTICLE 5 (“DEPARTMENTS AND OFFICES”) TO CREATE THE AGRICULTURAL LAND PRESERVATION ADVISORY COMMITTEE, AND THE OPEN SPACE ADVISORY COMMITTEE. Introduced by: Ms. Kilpatrick, Mr. Sheldon

--It was moved and seconded that Floor Amendment No. 2 to Substitute No. 1 to °20-134 be read by title only and placed before Council for its consideration.

Floor Amendment No. 2 to Substitute No. 1 to Ordinance 20-134—Defeated

Yes: Carter, Cartier, Durham, Hartley-Nagle, Hollins, Street

No: Bell, Diller, Kilpatrick, Sheldon, Smiley, Tackett, Woods

Councilman Carter moved to have Floor Amendment No. 3 to Substitute No. 1 to °20-134 be read by title only and placed before council for their consideration. The motion was seconded by Councilman Cartier and approved.

FLOOR AMENDMENT NO. 3 TO SUBSTITUTE NO. 1 TO °20-134: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 (“ADMINISTRATION”), ARTICLE 5 (“DEPARTMENTS AND OFFICES”) TO CREATE THE AGRICULTURAL LAND PRESERVATION ADVISORY COMMITTEE, AND THE OPEN SPACE ADVISORY COMMITTEE. Introduced by: Ms. Kilpatrick, Mr. Sheldon

--It was moved and seconded that Floor Amendment No. 3 to Substitute No. 1 to °20-134 be read by title only and placed before Council for its consideration.

Floor Amendment No. 3 to Substitute No. 1 to Ordinance 20-134—Adopted

Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods

Councilwoman Durham moved to have Floor Amendment No. 4 to Substitute No. 1 to °20-134 be read by title only and placed before council for their consideration. The motion was seconded by Councilman Carter and approved.

FLOOR AMENDMENT NO. 4 TO SUBSTITUTE NO. 1 TO °20-134: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 (“ADMINISTRATION”), ARTICLE 5 (“DEPARTMENTS AND OFFICES”) TO CREATE THE AGRICULTURAL LAND PRESERVATION ADVISORY COMMITTEE, AND THE OPEN SPACE ADVISORY COMMITTEE. Introduced by: Ms. Kilpatrick, Mr. Sheldon

--It was moved and seconded that Floor Amendment No. 4 to Substitute No. 1 to °20-134 be read by title only and placed before Council for its consideration.

-Mike Migliore, Counsel to Council, spoke.

-- Councilwoman Durham moved to introduce Oral Amendment No. 1 to Floor Amendment No. 4 to Substitute No. 1 to °20-134 which reads in

Section 2.05.106, Subsection A, Part 4. “One (1) employee of the Delaware Department of Agriculture and appointed by the County Executive with the advice and consent of County Council.”

Section 2.05.306, Subsection A, Part 1. “One (1) employee designated by the Secretary from the Delaware Department of Natural Resources and appointed by the County Executive with the advice and consent of County Council.”

--Public comment: Sherri Evans-Stanton, Rich Hall, General Manager of the Department of Land Use, Jeff Downing

Floor Amendment No. 4 as amended by Oral Amendment No. 1, to Substitute No. 1 to Ordinance 20-134—Adopted

Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods

Substitute No. 1 to Ordinance 20-134 as amended by Floor Amendments No. 3 and 4 —Adopted

Yes: Bell, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods

Present: Carter

°20-088: REVISE ZONING MAP: BRANDYWINE HUNDRED, EAST SIDE OF THE INTERSECTION OF SOCIETY DRIVE AND NAAMANS ROAD; 727 NAAMANS ROAD, TAX PARCEL NO. 06-036.00-105, 0.63 ACRES FROM NC21 (NEIGHBORHOOD CONSERVATION) TO CN (COMMERCIAL NEIGHBORHOOD) (The Exploratory Plan and rezoning for 727 Naamans Road proposes to rezone 0.63 acres to CN to construct a 3,250 SF retail building. The property is owned by Tim and Loana Vo. 2019-0006- S/Z.) Introduced by: Mr. Cartier

--It was moved and seconded that °20-088 be read by title only and placed before Council for its consideration.

Ordinance 20-088—Adopted

Bell: Yes, based upon the positive recommendation of the Department of Land Use.

Carter: Yes, based upon the positive recommendation of the Planning Board,

Cartier: Yes, based upon the positive recommendations of the Department of Land Use and the Planning Board and that the rezoning will improve the community overall.

Diller: Yes, based upon the positive recommendation of the Department of Land Use.

Durham: Yes, based upon the positive recommendation of the Department of Land Use and because of the support of councilmember from the district.

Hartley-Nagle: Yes, based upon the positive recommendation of the Department of Land Use.

Hollins: Yes, based upon the positive recommendation of the Department of Land Use.

Kilpatrick: Yes, based upon the positive recommendation of the Department of Land Use.

Sheldon: Yes, based upon the positive recommendations of the Department of Land Use and the Planning Board.

Smiley: Yes, based upon the positive recommendation of the Department of Land Use.

Street: Yes, based up on the positive recommendation of the Planning Board, the support of the district councilmember, and because the plan comports with the exiting character of the community.

Tackett: Yes, based upon the positive recommendation of the Department of Land Use.

Woods: Yes, based upon the positive recommendations of the Department of Land Use and the Planning Board.

20-122: (STATUS: TABLED) AMEND THE FY2021 APPROVED OPERATING BUDGET: INCREASE THE AUTHORIZED POSITION COUNT FOR THE DEPARTMENT OF PUBLIC SAFETY BY FIFTEEN POLICE OFFICER POSITIONS TO ACCOMMODATE THE UPCOMING 48TH NEW CASTLE COUNTY POLICE ACADEMY. Introduced by: Mr. Bell, Mr. Street

--Remained tabled

J. Time Sensitive Congratulatory/Honorary Resolutions: None

K. Introduction/Consideration of Emergency Ordinances: None

L. Public Comment/Other: None

M. Motion to Adjourn

There being no further testimony, a motion was made by Councilman Smiley to adjourn, it was seconded by Councilman Cartier, and the meeting was adjourned at 8:44 pm.

A recording of the meeting is available upon request.

Respectfully submitted by Anthony deFiore, Legislative Assistant.